

**WALDO COUNTY COMMISSIONERS COURT SESSION
JUNE 8, 2010**

PRESENT: Commissioners Amy R. Fowler, Donald P. Berry and William D. Shorey. Also present was County Clerk Barbara L. Arseneau.

Commissioner Berry called the meeting to order at 9:00 a.m.

TREASURER'S REPORT:

Present with the Commissioners were Treasurer David Parkman, Deputy Treasurer Karen Trussell, Sheriff Scott Story and Chief Deputy Robert Keating. D. Parkman reported the following:

REVENUE REPORT:

After comparing revenue received for 2010 at this point in the year with 2009 revenue, removing 200,000.00 owed to the County by the Jail, revenue is at 47% whereas it was at 52% in 2009. 15% of the Sheriff's Department revenue has been collected. 40% of Court Ordered fees have been received. D. Parkman explained that the State of Maine rent for the District Court was low because it was paid at the previous year's rental rate instead of at the 2010 rate, noting that the matter will be rectified.

B. Shorey, commenting on the fact that Waldo County paid its Jail money to the Board of Corrections as requested and did not get anything back for that effort, thought it was very disappointing that nobody had responded to the Treasurer's inquiry regarding where the Waldo County Cap money had been spent and requesting an accounting of these expenditures, since the State demands an accounting from the Counties on Jail-related expenditures. D. Parkman said all they had to do was send a statement of expenditures. He explained that the County's cap money had been sent and was received by the Board of Corrections (BOC) in December. This was while the Deputy Treasurer was trying to close out the County budget. D. Parkman made adjustments in workload requests from State and noted that "communication has gone downhill from there." He acknowledged that he had advised paying it because the County had the money and because it was the law. He stated that he thought it would be better to take the \$900,000.00 – plus owed for cap this year and send it directly to the jail holding the Waldo County inmates. The only jail so far that has received any money is Aroostook County. A. Fowler added that Two Bridges Correctional received a check only for the payroll amount last week. D. Parkman said he told Two Bridges Jail Administrator Mark Westrum that he doubted that the State had any money at all and suspected that all the Jail Cap funds were just sent to the State's General Fund. D. Berry agreed with that synopsis. D. Parkman said he has reported the lack of response to five representatives, including Jayne Crosby-Giles, Representative O'Brien, and also met with Senator Carol Weston. He stated that he has not heard from the majority leader. "We should be doing something a little different with our \$900,000.00 dollars," he concluded.

APPROPRIATIONS;

The County budget could be 41% expended at this point in the year and D. Parkman reported that the budget is expended at that amount. "There is no lee-way, here," he noted. He said he had spoken with EMA Director Dale Rowley about grant money the EMA has brought in. The amount received was so large that it requires a separate audit. D. Parkman did not know where the funding for this separate audit will come from. This is the first time the County has received over

\$500,000.00 in grant funds and it requires an extensive audit. D. Berry suggested that the grants should have had an audit amount included in the grant. D. Parkman noted that the problem is that there are about five different grants, and when you total them together, they are over \$500,000.00. He said he would see what the auditor would estimate for the cost of doing the separate audit. D. Parkman said he might recommend holding the auditor's invoice until the 2011 budget.

K. Trussell explained that the audit is a forensic one, with the entire grant being checked and tracked to be certain that the money was spent the same way.

D. Parkman reported that he had spoken with the Communications Center Director. Expenditures have been very good up to this point but the Director has told him that this is all about to come to an end, as he has had a number of employees who have either left or are going out on medical leave.

It was noted that the Victim Witness Advocate grant money should be put into the Grant Matching Reserve account to pay that portion of the Victim/Witness Advocate's salary.

****A. Fowler moved, D. Berry seconded to place the funds received from Knox County for the Victim/Witness Advocate's salary in the Grant Matching Reserve and paid from that reserve. Unanimous.**

RESERVE ACCOUNTS:

D. Parkman read the specific expenditures from the May 26 and June 8, 2010 regular and Jail Reserve accounts reserve accounts payable warrants, which are included in the accounts payable motions to follow.

UNUSED JAIL FUNDS:

D. Parkman commended the Sheriff for doing well with the Jail budget. D. Parkman informed the Commissioners that the Sheriff's Association wants to create a committee to take the unused Jail funds of the Counties and put them in a separate account, so as not to be claimed by the BOC. D. Parkman said he voted for this, but has real reservations about having Waldo County's money go into some other account. He said he felt that that this would be better than letting it go to the BOC. "We're sitting on about \$600,000.00, but this money is to help run the Jail for the next eight months," he explained. If the County has to give up that fund balance, he was not sure if that would create a problem. D. Parkman told the Commissioners that three counties abstained in that vote. This made it a unanimous vote.

WARRANTS:

****D. Berry moved, A. Fowler seconded to authorize payment of the May 26, 2010 Jail Accounts Payable warrant in the amount of \$24,947.38 as well as the May 27, 2010 Jail Payroll warrant in the amount of \$21,866.31. Unanimous.**

****D. Berry moved, W. Shorey seconded to authorize payment of the May 26, 2010 General Fund Accounts Payable warrant in the amount of \$67,920.94 and the May 27, 2010 General Fund Payroll warrant in the amount of \$87,760.22. Unanimous.**

****D. Berry moved, A. Fowler seconded to authorize payment of the May 26, 2010 Active/Restricted Reserve warrant in the amount of \$22,724.88. Unanimous.**

****D. Berry moved, W. Shorey seconded to authorize payment of the June 8, 2010 Jail Accounts Payable warrant in the amount of \$62,253.04. Unanimous.**

****D. Berry moved, W. Shorey seconded to authorize payment of the June 8, 2010 General Fund Accounts Payable warrant in the amount of \$47,397.50. Unanimous.**

****D. Berry moved, W. Shorey seconded to authorize payment of the June 8, 2010 Capital/Active/Restricted Reserve warrant in the amount of \$17,783. 23. Unanimous.**

****D. Berry moved, A. Fowler seconded to authorize payment of the June 2 – 1, 2010 Jail Payroll warrant in the amount of \$26,260.69. Unanimous.**

****D. Berry moved, A. Fowler seconded to authorize payment of the June 10, 2010 General Fund Accounts Payroll warrant in the amount of \$91,273.69. Unanimous.**

**** A. Fowler moved, W. Shorey seconded to accept the Treasurer's report as presented. Unanimous.**

JAIL MILEAGE ISSUE:

A. Fowler asked if it would be possible to refund the County Commissioners Mileage line for all the BOC meetings she has attended for the Jail. K. Trussell said this would have to be handled as revenue under "Refund." A. Fowler emphasized that this travel was for jail-related meetings and should not have been coded to the Commissioners budget line, noting that this was an oversight.

SHERIFF'S REPORT:

Present for this report was Sheriff Scott Story and Chief Deputy Robert Keating. Sheriff Story requested an Executive Session for a personnel matter.

****W. Shorey moved, A. Fowler seconded to enter Executive Session at 9:30 a.m. for a personnel matter according to M.R.S.A. Title § 405, 6A.(1) (Discussion or consideration of the disciplining of an employee when public discussion could be reasonably expected to cause damage to the individual's reputation.) Unanimous.**

****A. Fowler moved, D. Berry seconded to come out of Executive Session at 9:31 a.m. Unanimous.**

No action was taken.

1. S. Story reported that he had just experienced one of the best application processes regarding excellent candidates for the vacancy of Gene Rega. There were fifteen applicants, seven of which were Academy Graduates. S. Story acknowledged that the County's improvements over the years in salary and benefits resulted in high quality candidates applying. He recommended hiring Arthur R. Smith, who lives in Hope, but is within the five-miles of Waldo County line residency provision established by the Commissioners in 2008. S. Story recommended hiring A. Smith at the five-year pay grade of \$18.95 per hour because Mr. Smith has five years of experience. This would not include vacation and the like – just the salary would be at the five-year step. S. Story reminded the Commissioners that \$18,000.00 was received by the County when

Glenn Graef was hired by another agency and that agency refunded his academy training in that amount. S. Story respectfully requested that \$12,000.00 of that funding be used to fund this hire. If not, there would be an overdraft in the Sheriff's budget line for personnel. Either way, S. Story said he would want the Budget Committee to understand the real cost of hiring a qualified candidate.

W. Shorey wondered if there should be an account that money flows into and maintain itself for the purpose of hiring replacement officers when there are vacancies. S. Story said in a sense, it is a reverse severance. When Glenn Graef left, he acknowledged that the County had to pay out earned vacation, sick leave, etc. He suggested that money might be put in that Severance account. W. Shorey was in favor of using \$12,000.00 of the \$18,000.00 for this hire. When asked, S. Story explained that a County would have to reimburse \$30,000.00 for a candidate just out of academy, and this amount gets reduced over the number of years after graduation.

****A. Fowler moved, W. Shorey moved to hire Arthur R. Smith at the recommended salary of \$18.95 per hour, and to authorize reimbursing the Town of Camden (for the Police Department) in the amount of \$12,000.00 for his Academy Training. Unanimous.**

(Later in the morning, the Treasurer stated that the \$18,000.00 had already been placed in the Severance Reserve Account during a previous Commissioners Court Session. He felt that if the Sheriff hired a new individual, this should be paid from the Sheriff's Budget. W. Shorey said that this was why he had stated that there perhaps should be a separate reserve for this. A. Fowler said there is currently over \$54,000.00 in the Detail Account. K. Trussell reminded the Commissioners that this fund was for Detail-related expenditures and that the Budget Committee had taken issue with some of the expenditures from this reserve during the Public Hearing last fall. W. Shorey asked for more clarification of where the Treasurer thought the Sheriff should pay this \$12,000.00 academy fee from. He explained that new hires are normally paid from the personnel line (3000) in the Sheriff's Budget. W. Shorey asked if it made sense to take it from Detail, as he had understood that the County would not want to drain that account below \$30,000.00. D. Parkman clarified that his belief is that the right place should be the Sheriff's Office operating budget. D. Berry and A. Fowler looked at the Sheriff's Budget. One deputy has been hired at a lower rate than a deputy that retired, and another deputy has terminated employment. Looking at those savings and reviewing the funds within other line items, he suggested that \$6,000.00 be funded from Detail and \$6,000.00 from the Sheriff's Overtime line. After further discussion, the Commissioners decided the entire expenditure should come from the Sheriff's Budget, noting that there were several personnel lines that would likely cover the cost. W. Shorey suggested asking the Sheriff where in his budget the expenditure came from, since the Sheriff is responsible for the administration of that budget.)

2. S. Story asked for authorization to enter into a pharmaceutical contract with Correct Rx.

****W. Shorey moved, A. Fowler seconded to approve entering a pharmaceutical contract with Correct Rx.** Chairman Berry signed the six originals of this document.

3. Deputy Merle Reed would like to train the Sheriff's Office canine to do tracking searches. S. Story stated that it was not his interest to have a "biting" dog. This would be for searching for lost people. Training is \$25.00 per hour and Deputy Reed would like to start this training, with funds from the drug Asset Forfeiture account. The amount of forfeiture funding that was signed for last month was about \$10,000.00, so there is plenty of money to move forward on this. S.

Story requested permission to pay for this training by the hour, negotiating that amount, with a 1099 to go to Deputy Reed.

****A. Fowler moved, W. Shorey seconded to approve the requested racking searches training of the Sheriff's Office canine and to authorize negotiation of the hourly rate. Unanimous.**

4. S. Story submitted the June 3, 2010 Patrol and Detective Division Activities Report for May 2010. He read some highlights from this report such as the following: There were 619 calls for service that deputies responded to, which was up 42 over the month of April. The officers conducted 241 traffic stops for various traffic violations and responded to 37 traffic accidents. 24 background checks were conducted and 27 9-1-1 hang-up calls were responded to. Two burglaries were solved, resulting in several hundred dollars in stolen property being recovered and two Searsport men were charged with two counts of burglary and two counts of theft. Deputy Kevin Littlefield graduated from the Maine Criminal Justice Academy after 18 weeks of training. Belfast P.D. and the Sheriff's Office jointly conducted a safety check on May 28, 2010. An officer will be assigned to Islesboro soon for the summer, so there is no report on that at this point. The speed board has been put out in several towns and it tells how many cars pass, the speed, the volume of traffic, etc. If a constituent reports too much traffic speed and volume on a specific section of road, the Sheriff's Office would be glad to set it up there. R. Keating said that the deputies are trying to spread themselves out in a balanced way throughout the County.

5. Retired Deputy Eugene Rega has sent a request to have an audience with the Commissioners regarding what he believed is an error in the calculation of his accumulated vacation from his anniversary date of hire. S. Story requested that he be invited to sit in on that meeting. He said he felt that the policy is conflicting. He then said he would like to make a pitch to do an anniversary date rather than the current front-loading of vacation and sick leave. He said he has mentioned this to the Human Resources/Payroll Director about this.

6. S. Story said he recently met with the Waldo Community Action Partners and they have a group that deals with the food cupboards. He met with one from Unity, Stockton and Searsport. He received a list of all food cupboards that meet with WCAP. It may be difficult to deliver all of the produce from the Waldo County Garden to these groups. S. Story noted that he was "totally impressed" with how many offered to come pick up the produce. Some of the larger cupboards are willing to pickup and distribute to the smaller cupboards. There will be some deliveries to make, but not as many as he thought. He suggested that there be some press coverage for this, and mentioned that to WCAP. The group heard about the re-entry center change and applauded the Sheriff for this mission change and the good work being done with the residents. W. Shorey reported that the little tool shed on the garden property will be painted soon. He commended the "attitude and demeanor" of the residents on this project. "We don't forget why they're there, but we try to give them every opportunity to be a better person, and most of them are doing that," he commented.

AMENDMENT TO BULK SALES:

Present for this discussion was Register of Deeds Deloris Page. D. Page reported that she was "tweaking" the wording for the definition of Bulk Transfer. She recommended amending the language as follows: "As used in this Schedule of Fees, a "bulk transfer" means the transfer of 1,000 or more consecutive pages of records or index files in electronic form or microfilm in response to a request for all documents for a specified date or range of dates, a specified book or

range of books, or a specified range of instrument numbers. Requests must be made in writing to the register of deeds.” The Commissioners agreed with this amendment.

D. Page reported that the lawsuit from MacImage is still going forward.

CORRESPONDENCE:

1. Michelle Wadsworth asked to briefly discuss Former Deputy Eugene Rega’s request regarding unpaid leave. M. Wadsworth informed the Commissioners that she had done a fair amount of research and found personnel policies all the way back to 1980. The policy originally was days a month earned, and had to be on anniversary date. In 1997, it changed to being front-loaded at the beginning of each budget year. The department heads would have had to have put those hours on with the hours front-loaded for that budget year. B. Arseneau and M. Wadsworth stated that Deputy Rega and the Sheriff would need to show records that this vacation leave was never taken. They could not see how this would be the case because all time that would have been used in a budget year would have had to be used by a certain time or would have been lost. W. Shorey said the Commissioners should require recorded proof that this had occurred and requested written documentation be presented by Deputy Rega when he meets with them. They recommended meeting with E. Rega at their next regularly scheduled Commissioners Court Session in July.

2. M. Wadsworth informed the Commissioners that the Personnel Advertisement will be overdrawn by about \$460.00 after the advertising that was just done for the vacant Deputy position. She also informed the Commissioners that it is likely that two dispatchers will be leaving and those vacancies will need to be filled, resulting in the need for more advertising from the Personnel line. A. Fowler asked how much it cost to use the Jobsinme.com site. M. Wadsworth said it would be over \$400.00 for 90 days of advertising. After additional discussion, all agreed that job posting should be done on the Waldo County Web Site and job openings should also be sent to Town Municipal Offices and Post Offices throughout the County in order to be “much more civic minded” in the approach to notifying people of job opportunities.

3. The following employee pay step increases were noted by the County Commissioners:

- Dispatcher reached the one year anniversary and received a pay step increase from \$15.44 to \$15.99 per hour, effective May 17, 2010.
- Deputy Kevin Littlefield graduated from the Maine Criminal Justice Academy on May 21, 2010 and received a pay increase from \$17.35 to \$17.75 per hour.
- Deputy Darren Moody will reach the six-month step on June 13, 2010 and will receive a pay increase from \$17.18 to \$17.35 per hour effective that date.
- Probate Clerk Tracy Rackcliffe will have completed one year of employment on June 22, 2010 and will receive a pay increase at \$13.83 per hour.

4. Communications Director Owen Smith sent notice that Dispatcher Jennifer White resigned her position on June 2, 2010 along with her thanks for the time that she was employed with the County.

****W. Shorey moved, A. Fowler seconded to accept with regret the resignation of Dispatcher Jennifer White, effective June 2, 2010. Unanimous.**

5. Cheryl Coats of DRG Specialty Services sent communication that she searched for funding to help with the renovation of the Superior Courthouse as requested. The only available funding would be through the Department of Economic Community Development, which is the same department the County had initially been working with on funding the Sheriff's Office earlier in the year. She also attached a brief explanation of their grant funding programs that may apply to this project, but explained that the county would need to contact them to find out if these would apply. C. Coats further noted that the Maine State Planning Office grant program for municipal planning has been eliminated due to budget cuts.
6. NACo (National Association of Counties) sent a request for counties to participate in the association's annual election of officers and must be a paid member and have paid for one registrant to attend the annual conference, according to the NACo bylaws. This did not apply to Waldo County, as there is no delegate attending the conference.
7. The State of Maine Public Utilities Commission sent notification that the PUC is required to develop a plan by November 1, 2010 to reduce the number of PSAPs (Public Safety Answering Points) to between 15 and 17 as proposed in the L. Robert Kimball Optimum PSAP Reconfiguration Assessment issued earlier this year. In June, the Commissioner will issue a Notice of Inquiry (NOI) to solicit comments on issues such as PSAP selection criteria, incentives to further voluntary consolidation of PSAPs and dispatch, etc. and welcomes participation in the NOI process. Comments need to be filed with the Commission by the date indicated within the NOI and may be filed either electronically or by mail.
8. Knox/Waldo Regional Development Council sent notice that it is coordinating two "Open Input Session" for Eastern Maine Economic Development Corp (EMDC) to solicit ideas and concerns regarding priorities for economic development in the Knox and Waldo County region. The dates are June 9, 2010 at 6:30 p.m. at the University of Maine Hutchinson Center in Belfast and June 10, 2010 at 6:30 p.m. at the Rockport Town Office. – Commissioners Fowler and Berry attended a meeting that had already been held on June 7th and W. Shorey planned on attending the meeting tomorrow.
9. Maine Woods Coalition sent information regarding protesting a possible creation of federal national park and asked for resolutions in opposition. Commissioners Fowler and Berry stated that this is up to the County this is occurring in.
10. K. Trussell explained that the Auditor was supposed to come in today but is ill and will reschedule.
11. B. Arseneau briefly asked the Commissioners to plan now if there were going to be any changes in pay scales for the 2011 budget, as the budget templates are developed in July and sent to the Department Heads in early August. The Commissioners briefly discussed the possibility of changing the pay step system so that everyone received a pay step on January 1st of each year regardless of their date of hire. They requested an analysis of what this would cost to do if they started this system January 1, 2011.

APPROVAL OF MINUTES:

****W. Shorey moved, A. Fowler seconded to accept the Commissioners Court Session minutes from May 4, 5, 10, 11, 20 and 26, 2010, and also May 13, 2008 and June 3, 2008. Unanimous.**

COMMISSIONERS' BUSINESS:

1. TECHNOLOGY REPORT: By conference call, Technology Consultant James Arseneau reported the following:

The Intox room at the Reentry Center, instead of being moved to Belfast, will be kept at the Reentry Center and, therefore, things need to be reconfigured. As the new center has been used, blind spots have been discovered. Seacoast Security came to do a site review and to provide an estimate to address these blind spots. There was some money left over in the Corrections Budget for the FY2010 budget, so J. Arseneau said he sent an email to Commissioner Berry asking if some of those funds could be used to address this issue. D. Berry had explained that Commissioner Fowler had originally planned to take this invoice to the BOC to present it for payment. J. Arseneau submitted a spreadsheet showing what had been budgeted, what had been expended, etc. In the wide-area network, because the video equipment has not been used yet and is still sitting in the Captain's office, this project could be paid for from those funds. J. Arseneau stated that he did not believe that the Intox room being moved was really the BOC's issue, but was more for the benefit of the law enforcement side. This is why he was suggesting funding the way he had. There will also be about \$7,000.00 unexpended at the end of the fiscal year. He would be requesting, as he had the previous year, to move \$11,000.00 to the reserve established specifically for Jail Technology items. There is one item under HP Maintenance for \$1,300.00. The original amount budgeted was less. J. Arseneau noted that Deputy Treasurer Karen Trussell will do an entry that utilizes all of this. He expressed concern for the video conferencing, as it has not been running as yet. The State has said there needs to be a bridging." It was explained that the Sheriff did not think this was necessary, but in the future, it will be the residents who use this, not the 72-hour hold. It was thought that it might make sense to utilize the leftover funds or let the State pay this. W. Shorey said he recalled five or six months previously about video conferencing and his recollection was that the State was paying for Penobscot County. J. Arseneau said that the recommendation from the committee was that everyone purchases the piece. He felt that the Commissioners would want to keep moving forward with bridging and other things so that the re-entry facility is still considered valuable and positive. Keeping on the forefront makes the facility more "saleable." A. Fowler confirmed that the video conferencing, as planned, allowed for multiple access to multiple facilities, not just one to one other facility. She noted that video conferencing is now in the new BOC budget. J. Arseneau asked if he could get a copy of that budget and A. Fowler said that she would get a copy to him.

The proposal is to take \$100,000.00 and look at which counties will be installing these units and pay for them. W. Shorey protested the inconsistency in the State paying for some things with some counties and not for others. J. Arseneau noted that Chris Oberg had made sure every county was visited to see what they need. D. Berry said that he recalled that when Deputy District Attorney Eric Walker had met earlier in the year with the Commissioners, he had practically begged for this equipment. J. Arseneau felt that it might be wise to see what the State was going to do on the video conferencing equipment. He did note that if there is any unused funding in these lines in the budget, they should be used. A. Fowler said she has visited the re-entry center weekly

and has instructed the Captain to make a “wish list” of items that could be used up there. A. Fowler explained the background of the Sheriff’s “Counties of Corrections” committee.

At the end of the discussion, the County Commissioners voted as follows:

****A. Fowler moved, W. Shorey seconded to approve moving forward with the installation of security equipment by Seacoast Security in the amount of \$5,083.46, to be funded from the Corrections Technology budget. Unanimous.** D. Berry signed the Seacoast Security contract for this work.

NEXT COURT SESSION:

The next Commissioners Court Session will be a special session on June 18, 2010.

****A. Fowler moved, W. Shorey seconded adjourning the Commissioners Court Session at 12:13 p.m. Unanimous.**

Respectfully submitted by *Barbara L. Arseneau*
Waldo County Clerk